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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,170	12/01/2003	Steven M. Schein	51431/RRT/S787	2063
23363	7590	09/11/2007		
CHRISTIE, PARKER & HALE, LLP			EXAMINER	
PO BOX 7068			IDOWU, OLUGBENGA O	
PASADENA, CA 91109-7068				
			ART UNIT	PAPER NUMBER
			2623	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,170	Applicant(s) SCHEIN ET AL.	
	Examiner Olugbenga O. Idowu	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) .
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This office action is in response to application number: 10 725 170 filed on 12/1/2003. Claims 1- 20 have been examined and are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 4, 9 – 12 and 17 - 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks, patent number: 5 798 785.

As per claims 1, 9 and 17, Hendricks teaches an interactive electronic program guide (IPG) including a display screen comprising:

a database local to a viewer for storing television schedule information including information about television programs and a plurality of criteria associated with each television program (database on STB storing abstracts, col. 30, lines 40 – 50, lines 10 - 13); and

a microprocessor local to the viewer(microprocessor, col. 9, line 66) configured to automatically generate a set of favorite criteria about television programs that the viewer would likely be interested in (the STB understanding the user and creating a profile, col.

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29, lines 26 - 37), search the database for identifying a television program that includes at least one of the favorite criteria (searching the database, col. 30, lines 43 - 44), tag the identified television program stored in the local database that includes the at least one of the favorite criteria (selecting programs, col. 30, lines 47 - 49), and activate a function of the IPG related to the tagged television program without viewer's intervention (displaying a list of suggested programs to viewer, col. 30, lines 48 - 50).

As per claims 2, 10 and 18, Hendricks teaches further comprising a display controller for automatically displaying on the display screen a portion of the schedule information including the identified television program in guide format (displaying a list of suggested programs to viewer, col. 30, lines 48 - 50).

As per claims 3, 11 and 19, Hendricks teaches wherein the favorite criteria includes one or more of actor's name (actor, col. 30, line 55), director's name, type of program, other broadcast times, other broadcast sources, and program theme.

As per claims 4, 12 and 20, Hendricks teaches wherein the microprocessor is configured to monitor and store the viewer's selections of television programs, and heuristically learn the viewer's favorite criteria according to the viewer's selections of television programs (the STB understanding the user and creating a profile, col. 29, lines 26 - 37).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 8, 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks, patent number: 5 798 785 in view of Levine, patent number: 5 692 214.

As per claim 5 - 6 and 13 - 14, Hendricks teaches a system that selects and presents programs that a user might like.

Hendricks does not teach a system where the tagged program is automatically tuned to. In an analogous art, Levine teaches wherein the activated function is automatically programming a recording device to record the tagged television program at scheduled telecast time (automatic recording, col. 4, lines 18 – 31, 40 - 45).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Hendricks' selection system by including an automatic recording system as described in Levine for the advantages of unattended recording, and compensating for changes in recording schedule.

As per claims 8 and 16, Hendricks teaches a system that selects and presents programs that a user might like.

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Hendricks does not teach a system that downloads the tagged program.

In an analogous art, Levine teaches wherein the activated function is automatically downloading a copy of the tagged television program to a digital storage medium at scheduled telecast time (Levine: automatic recording, col. 4, lines 18 – 31, 40 – 45, Hendricks: digital signals, col. 6, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Hendricks' selection system by including an automatic recording system as described in Levine for the advantages of unattended recording, and compensating for changes in recording schedule.

6. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks, patent number: 5 798 785 in view of Hashimoto, patent number: 5 179 439. As per claims 7 and 15, Hendricks teaches a system that selects and presents programs that a user might like.

Hendricks does not teach a system that automatically reminds the viewer of a tagged program.

In an analogous art, Hashimoto teaches wherein the activated function is automatically reminding the viewer to view the tagged television program (alert, col. 6 lines 19 - 26).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Hendricks' selection system by including a reminder system as described in Levine for the advantages of watching the program live or watching and recording the program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olugbenga O. Idowu whose telephone number is 571 270 1450. The examiner can normally be reached on Monday to Friday, 7am -5pm Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571 272 7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.I.

A handwritten signature in black ink, appearing to read 'Christopher Grant', is positioned above the printed name.

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600